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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2350

Introduced by Assembly Member O'Donnell

February 18, 2016

An act to ~~amend Section 44253.2 of, and to add Sections 60811.6 and add Section 60811.8 to,~~ the Education Code, relating to English learners.

LEGISLATIVE COUNSEL'S DIGEST

AB 2350, as amended, O'Donnell. ~~English learners. learners:~~ *participation in standard instructional program.*

Existing law requires the State Board of Education to adopt curriculum frameworks and evaluation criteria that are aligned to specified content standards for English language arts on or before July 30, 2014. *each school district that has one or more pupils who are English learners, and, to the extent required by federal law, each county office of education and each charter school, to assess the English language development of each pupil in order to determine the pupil's level of proficiency, as specified, and requires the Superintendent of Public Instruction to review existing assessments that assess the English*

language development of pupils whose primary language is a language other than English.

~~This bill would define the terms “designated English language development” and “integrated English language development” for purposes of the English Language Arts/English Development Framework adopted by the state board, as specified. The bill would specify that, except as provided, a middle or high school pupil who is enrolled in an English language development course or is classified as an English learner and scores at any proficiency level on the assessment of English language development shall not be prevented from enrolling denied participation in a school’s standard instructional program, as defined, by being denied enrollment in specified other courses courses, including, among others, courses required for graduation, middle school grade promotion, or meeting specified graduation and college admission standards, as applicable. admission.~~ By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

~~Existing law authorizes the Commission on Teacher Credentialing to issue an authorization to teach specially designed content instruction delivered in English, as defined, to English learner pupils.~~

~~This bill would revise the definition of “specially designed content instruction delivered in English” for purposes of specified teacher credentialing provisions.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California is home to the largest population of English
- 4 learners in the country, and one in three English learners in the
- 5 United States resides in California.

(b) There are approximately 1.4 million English learners in California public schools. About 2.7 million pupils speak a language other than English in their homes, representing about 43 percent of the state's public school enrollment.

~~(e) California's English learner pupils score substantially lower on state assessments than non-English learner pupils. While there has been incremental growth in achievement among pupils in the general population, scores for English learners have largely remained static, widening the achievement gap between English learners and their peers over time.~~

~~(d) On the 2015 administration of the California Assessment of Student Performance, 11 percent of English learners in all grades met or exceeded standards in English language arts/literacy and 11 percent in math, compared with 69 percent and 55 percent for those subjects, respectively, for pupils proficient in English.~~

~~(e) The English Language Arts/English Language Development Framework adopted by the State Board of Education in 2014 represents an important state endorsement of the use of both designated English language development and the integration of English language development across the curriculum. This combined approach will require major changes in teaching and learning for all pupils, including English learners, and there is a need for training for, and technical assistance to, teachers and administrators on implementing these instructional reforms.~~

~~(f)~~

~~(c) Recent research examining course-taking patterns of English learners in multiple California school districts has found that English learners are less likely than non-English learners to be enrolled in core academic subject courses, including English language arts, mathematics, and science, and, as a result, earn fewer credits than non-English learner pupils. Research has further found that limited access to courses in English language arts is largely due to English language development classes being used as substitutes for, rather than complements to, English language arts, and due to the enrollment of elementary and secondary English learners in intervention classes for English language arts and math that are not designed for English learners' language and academic needs.~~

~~(g) Graduation rates for English learners are lower than for the general population and for other subgroups of pupils. According~~

1 to the State Department of Education, the overall 2013-14
2 four-year cohort graduation rate was 81 percent, while the rate for
3 English learners was 65 percent, the lowest of any subgroup besides
4 pupils in special education. The dropout rate for English learners,
5 at 21 percent, was the highest of any subgroup.

6 (h) ~~English language development classes aligned to the state~~
7 ~~English Language Development standards are designed to give~~
8 ~~access to core academic subjects while developing English~~
9 ~~proficiency, and are part of the academic core for English learners.~~

10 (i) ~~There are many options for addressing the issues of access~~
11 ~~and course offerings for English Learners in middle and high~~
12 ~~school.~~

13 (d) (1) *The federal Equal Educational Opportunities Act of*
14 *1974 (20 U.S.C. Sec. 1701 et seq.), as interpreted by the court in*
15 *Castañeda v. Pickard (1981) 648 F.2d 989, prohibits the denial*
16 *of English learners' equal participation in the standard*
17 *instructional programs of schools, and requires programs that are*
18 *used in the early part of an English learner's school career that*
19 *first focus on the development of English language skills to be*
20 *designed to remedy any academic deficits in other areas that may*
21 *develop during participation in the program and to be reasonably*
22 *calculated to enable pupils to attain parity of participation in the*
23 *standard instructional program within a reasonable length of time*
24 *after they enter the school system.*

25 (2) *It is the intent of the Legislature to clarify these requirements*
26 *for California public schools.*

27 SEC. 2. ~~Section 44253.2 of the Education Code is amended to~~
28 ~~read:~~

29 44253.2. ~~For purposes of this chapter, the following terms shall~~
30 ~~have the following meanings, unless the context otherwise requires:~~

31 (a) ~~"Instruction for English language development" means~~
32 ~~instruction designed specifically for English learner pupils to~~
33 ~~develop their listening, speaking, reading, and writing skills in~~
34 ~~English.~~

35 (b) ~~"Specially designed content instruction delivered in English"~~
36 ~~or "specially designed academic instruction in English" means~~
37 ~~instruction in a subject area, delivered in English, that is specially~~
38 ~~designed to meet the needs of English learner pupils, and the focus~~
39 ~~of which is on instruction of the state academic content standards~~
40 ~~and on increasing the comprehensibility of academic content in~~

1 ~~courses normally provided to fluent-English-proficient and~~
2 ~~English-only pupils.~~

3 ~~(e) “Content instruction delivered in the primary language”~~
4 ~~means instruction in a subject area delivered in the primary~~
5 ~~language of the pupil.~~

6 ~~(d) “Instruction for primary language development” means~~
7 ~~instruction designed to develop a pupil’s listening, speaking,~~
8 ~~reading, and writing skills in the primary language of the pupil.~~

9 ~~(e) “Culture and cultural diversity” means an understanding of~~
10 ~~human relations, including the following:~~

11 ~~(1) The nature and content of culture.~~

12 ~~(2) Cross-cultural contact and interactions.~~

13 ~~(3) Cultural diversity in the United States and California.~~

14 ~~(4) Approaches to providing instruction responsive to the~~
15 ~~diversity of the pupil population.~~

16 ~~(5) Recognizing and responding to behavior related to bias based~~
17 ~~on the characteristics listed in Section 220.~~

18 ~~(6) Techniques for the peaceful resolution of conflict.~~

19 ~~SEC. 3. Section 60811.6 is added to the Education Code, to~~
20 ~~read:~~

21 ~~60811.6. (a) The English Language Arts/English Language~~
22 ~~Development Framework adopted by the state board pursuant to~~
23 ~~Section 60207 states that English learners at all English proficiency~~
24 ~~levels and at all ages require a comprehensive program of English~~
25 ~~language development that includes both integrated English~~
26 ~~language development and specialized attention to their particular~~
27 ~~language learning needs, otherwise known as designated English~~
28 ~~language development, as part of their daily curriculum.~~

29 ~~(b) The following definitions shall apply to the English~~
30 ~~Language Arts/English Language Development Framework~~
31 ~~referenced in subdivision (a):~~

32 ~~(1) “Designated English language development” means~~
33 ~~instruction designed for English learners according to their level~~
34 ~~of English proficiency to overcome language barriers in a~~
35 ~~reasonable amount of time, during a protected time in the regular~~
36 ~~school day, in which teachers use the California English Language~~
37 ~~Development Standards as the focal standards in ways that build~~
38 ~~into and from content instruction in order to develop the critical~~
39 ~~language that English learners need for content learning in English.~~

~~(2) “Integrated English language development” means instruction in which all teachers with English learners in their classrooms, regardless of the course content, use the California English Language Development Standards in tandem with the California state standards.~~

~~SEC. 4. Section 60811.8 is added to the Education Code, to read:~~

~~60811.8. (a) A middle or high school pupil who is enrolled in an English language development course or who is classified as an English learner shall not be prevented from doing either of the following:~~

~~(1) Enrolling in core curriculum courses in English language arts or any other course required for graduation, middle school grade promotion, or meeting the subject matter requirements for purposes of recognition for college admission pursuant to Section 66205.5, as applicable.~~

~~(2) Taking a full course load in core subjects required for graduation, middle school grade promotion, or meeting the subject matter requirements for purposes of recognition for college admission pursuant to Section 66205.5, as applicable.~~

~~(b) (1) Subdivision (a) shall not apply to a pupil participating in a program designed to meet the academic and transitional needs of newly arrived immigrants unless the pupil meets the local educational agency’s exit criteria for transition into a general education program.~~

~~(2) The department may provide guidance on the implementation of this subdivision.~~

~~SEC. 2. Section 60811.8 is added to the Education Code, to read:~~

~~60811.8. (a) Consistent with federal law, a middle or high school pupil who is classified as an English learner and scores at any proficiency level on the assessment of English language development established pursuant to Section 60810 or any successor assessment shall not be denied participation in the standard instructional program of a school by being denied any of the following:~~

~~(1) Enrollment in courses that are part of the standard instructional program of the school that the pupil attends. For purposes of this section, “standard instructional program” means, at a minimum, core curriculum courses, as defined in clause (i)~~

1 *of subparagraph (B) of paragraph (6) of subdivision (b) of Section*
2 *33126, courses required to meet state and local graduation*
3 *requirements, and courses required for middle school grade*
4 *promotion.*

5 *(2) Enrollment in a full course load of courses that are part of*
6 *the standard instructional program.*

7 *(3) Enrollment in courses that are not part of a school's*
8 *standard instructional program that either meet the subject matter*
9 *requirements for purposes of recognition for college admission*
10 *pursuant to Section 66205.5 or are advanced courses, such as*
11 *advanced placement courses, on the sole basis of a pupil's*
12 *classification as an English learner.*

13 *(b) Subdivision (a) shall not apply to a middle or high school*
14 *pupil who is classified as an English learner and who is*
15 *participating in a program designed to meet the academic and*
16 *transitional needs of newly arrived immigrant pupils that has as*
17 *a primary objective the development of English language*
18 *proficiency, provided that, pursuant to federal law, the program*
19 *is designed to remedy any academic deficits incurred during*
20 *participation and that the program's design is reasonably*
21 *calculated to enable these pupils to attain parity of participation*
22 *in the standard instructional program within a reasonable length*
23 *of time after they enter the school system.*

24 ~~SEC. 5.~~

25 *SEC. 3. If the Commission on State Mandates determines that*
26 *this act contains costs mandated by the state, reimbursement to*
27 *local agencies and school districts for those costs shall be made*
28 *pursuant to Part 7 (commencing with Section 17500) of Division*
29 *4 of Title 2 of the Government Code.*